

Application No. 10/636,014
Response dated: June 13, 2006
Reply to Office action of March 13, 2006

REMARKS

In response to the Office Action dated March 13, 2006, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1, 3-9 and 11-20 are pending in the present Application. Claims 1, 6, 9 and 14 are amended, leaving Claims 1, 3-9 and 11-20 for consideration upon entry of the present amendments and following remarks.

Support for the amendments can at least be found in the specification, the figures, and the claims as originally filed. Particularly, support for amended Claims 1 and 9 is at least found in the Specification at page 6, lines 14-20 and lines 35-38, page 7, lines 7-12 and Figure 1. Claims 6 and 14 are amended to better define the invention based on amended parent Claims 1 and 9. No new matter has been introduced by these amendments.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. §103

Regarding Claims 1, 3-5, 7, 9 and 11-13 with respect to Brissier et al., U.S. patent 4,815,605 and Starling et al. U.S. Patent No. 4,573,603

Claims 1, 3-5, 7, 9 and 11-13 are rejected under 35 U.S.C. §103(a) as being obvious over Brissier et al., U.S. patent 4,815,605 (hereinafter "Brissier") in view of Starling et al. U.S. Patent No. 4,573,603 (hereinafter "Starling"). Applicant respectfully traverses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1 and 9 are amended to recite, *inter alia*,

"...a shell made of a puncture-resistant material, shaped to envelope at least the

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entirety of the dome of the container and comprising an annular projection, the shell delimiting a space between an interior face of the shell and an exterior face of the wall of the container; and

a compressible element capable of deadening a knock or impact, disposed in an entirety of the space including the annular projection." [Emphasis added.]

In the Office Action, cap 24 and outer double wall 28 of Brissier are considered as disclosing the "device" and "shell," respectively, of the claimed invention. Brissier does not disclose anything resembling an annular projection from the cap 24 or the double wall 28. The cap 24/double wall 28 has a uniform surface corresponding to the end of the external confinement enclosure 14 (considered as the container or tank of the claimed invention).

Additionally, since Brissier does not disclose the "annular projection" of the claimed invention. Brissier necessarily does not disclose the space as delimited by the annular projection (being a part of the shell) as claimed. Therefore, Brissier does not disclose a shell shaped to envelope at least the entirety of the dome of the container and comprising an annular projection the shell delimiting a space between an interior face of the shell and an exterior face of the wall of the container of amended Claims 1 and 9.

Furthermore, lining material 30 of Brissier is considered as disclosing the "compressible element" of the claimed invention. Since Brissier does not disclose the annular projection and the space as delimited by the shell and the annular projection (being a part of the shell) of the claimed invention, Brissier necessarily does not disclose lining material 30 disposed in the space including the annular projection (being a part of the shell) as claimed. Therefore, Brissier does not disclose a compressible element capable of deadening a knock or impact, disposed in an entirety of the space including the annular projection of amended Claims 1 and 9.

With respect to Starling, in the Office Action, collar C and foot ring D of Starling are considered as disclosing the shell of the claimed invention and the ring section 44 of collar C of Starling is considered as disclosing the annular projection of the claimed invention. (See, Page 5 of the Office Action, Regarding Claims 6 and 14.) Starling does not disclose a compressible element disposed between an interior face of the collar C and ring section 44 and an exterior face of the wall of the container. Therefore, Starling also does not disclose a compressible element capable of deadening a knock or impact, disposed in an entirety of the space including the annular projection of amended Claims 1 and 9.

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Thus, Brissier and Starling, alone or in combination, do not disclose *all of the limitations* of amended Claims 1 and 9. Accordingly, *prima facie* obviousness does not exist regarding Claims 1 and 9 with respect to Brissier and Starling. Applicant respectfully submits that amended Claims 1 and 9 are patentable over Brissier and Starling. Claims 3-5, 7 and 11-13 variously depend from Claims 1 and 9 and are correspondingly patentable over Brissier and Starling. Reconsideration of Claims 1, 3-5, 7, 9 and 11-13 with respect to Brissier and Starling is respectfully requested.

Regarding Claims 1, 3-9, 11-16 and 20 with respect to Hembert, U.S. patent No., 5,004,120, Brissier et al., U.S. patent 4,815,605 and Starling et al. U.S. Patent No. 4,573,603

Claims 1, 3-9, 11-16 and 20 are rejected under 35 U.S.C. §103(a) as being obvious over Hembert, U.S. Patent No. 5,004,120 (hereinafter "Hembert") in view of Brissier and Starling. Applicant respectfully traverses.

In the Office Action, collar 22 and washer 23 of Hembert are considered as disclosing the "shell" and "compressive element," respectively, of the claimed invention. Hembert discloses an end of the tank is reinforced with collar 22, a washer 23 and a pinch nut 24. (Col. 2, lines 37-40 and Figure 1.)

For the purpose of this response, if the portion of the collar 22 proximate the pinch nut 24 is considered as the annular projection of the claimed invention, Hembert does not disclose a compressible element disposed in an entirety of the space between an interior face of the collar 22 including the annular projection and an exterior face of the wall of the container (for example, outside shell 4). If outside shell 4 is considered as the "container" of the claimed invention, Hembert discloses protective covering 17 also between the collar 22 (considered as the shell) and the outside shell 4 (considered as the container). That is, the washer 23 necessarily does not fill an entirety of the space between the collar 22 and the outside shell 4 because protective covering 17 is disposed therebetween.

Therefore, Hembert also does not disclose a shell shaped to envelope at least the entirety of the dome of the container and comprising an annular projection the shell delimiting a space between an interior face of the shell and an exterior face of the wall of the container and a

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compressible element disposed in an entirety of the space including the annular projection of
amended Claims 1 and 9.

For all the reasons discussed above, amended Claims 1 and 9 are patentable over Brissier and Starling.

Thus, Hembert, Brissier and Starling, alone or in combination, do not disclose *all of the limitations* of amended Claims 1 and 9. Accordingly, *prima facie* obviousness does not exist regarding Claims 1 and 9 with respect to Hembert, Brissier and Starling. Applicant respectfully submits that amended Claims 1 and 9 are not further rejected or objected and are therefore allowable over Hembert, Brissier and Starling. Claims 3-8, 11-16 and 20 variously depend from Claims 1 and 9 and are correspondingly allowable over Hembert, Brissier and Starling. Reconsideration and allowance of Claims 1, 3-9, 11-16 and 20 are respectfully requested.

Regarding Claims 17-19 with respect to Hembert, U.S. patent No. 5,004,120, Brissier et al., U.S. patent 4,815,605, Starling et al. U.S. Patent No. 4,573,603 and Dulisse et al., U.S. Patent No. 6,793,095.

Claims 17-19 are rejected under 35 U.S.C. §103(a) as being obvious over Hembert, Brissier and Starling in view of Dulisse et al. U.S. Patent No. 6,793,095 (hereinafter "Dulisse"). Applicant respectfully traverses.

Claims 17-19 variously depend from Claim 9 and inherit all of the limitations of Claim 9. Dulisse is relied upon as teaching thermoplastic resin selected from the group consisting of acrylonitrile-butadiene-styrene. Applicant finds no disclosure in Dulisse of a shell comprising an annular projection, the shell delimiting a space between an interior face of the shell and an exterior face of the wall of the container and a compressible element disposed in an entirety of the space including the annular projection of amended Claim 9.

Thus, Hembert, Brissier, Starling and Dulisse, alone or in combination, do not disclose *all of the limitations* of Claims 17-19 (as including the limitations of amended Claim 9). Accordingly, *prima facie* obviousness does not exist regarding Claims 17-19 with respect to Hembert, Brissier, Starling and Dulisse. Applicant respectfully submits that Claims 17-19 are not further rejected or objected and are therefore allowable. Reconsideration and allowance of Claims 17-19 are respectfully requested.

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Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: June 13, 2006

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PHM/MRO/EC/BR044742

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